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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,581	02/26/2004	Konstantin Othmer	15814.16	3412
22913	7590	05/30/2006	EXAMINER	
WORKMAN NYDEGGER (F/K/A WORKMAN NYDEGGER & SEELEY) 60 EAST SOUTH TEMPLE 1000 EAGLE GATE TOWER SALT LAKE CITY, UT 84111			SING, SIMON P	
			ART UNIT	PAPER NUMBER
			2614	
DATE MAILED: 05/30/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/789,581

Applicant(s)

OTHMER, KONSTANTIN

Examiner

Simon Sing

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2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

9DETAILED ACTION

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-5, 7-10, 12, 14 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Knuth et al. US 5,781,613.

1.1 Regarding claim 1, Knuth discloses a telephone answering device (TAD) figures 1 and 2. Knuth teaches:

receiving voice data at the TAD (Abstract);

playing the voice data being received at the TAD to a local user (Abstract);

storing (buffering) the voice data in a memory (buffer) of the TAD (Abstract);

receiving an input from the local user to relay a portion of the recorded voice data;

and

replaying the portion of the recorded voice data (It is inherent that the local user is able to playback recorded incoming messages (voice data) at a latter time).

1.2 Regarding claim 2, it is inherent that a TAD is able to record incoming messages (voice data) from more than one caller.

1.3 Regarding claim 3, it is inherent that a silence (which duration can be days hours) between two callers is not recorded.

1.4 Regarding claim 4, it is inherent that the local user may playback an incoming message based on the time of recording, i.e. a message recorded while the local user was away.

1.5 Regarding claim 5, it is inherent that the local user may playback an incoming message based on caller ID (sender).

1.6 Regarding claim 7, it is inherent that the local user may playback a recorded incoming message (voice data) from a particular sender, including a beginning segment.

1.7 Regarding claim 8, it is inherent that the local user may playback a recorded incoming message (voice data) corresponding to its recorded time.

1.8 Regarding claim 9, it is inherent that the local user is able to mute the speaker of the TAD.

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1.9 Regarding claim 10, it is inherent that the local user is able to selectively playback different messages (recorded at different memory locations).

1.10 Regarding claim 12, it is inherent that the local user may erase recorded messages.

1.11 Regarding claim 14, the TAD is connected to a circuit switched network, i.e. public switching telephone network (PSTN).

1.12 Regarding claim 17, a telephone call to the TAD is a network based instant connect call.

2. Claims 1, 6, 15, 16 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Dietz et al. US 2002/0176546.

2.1 Regarding claim 1, Dietz discloses a mobile phone 100 in figure 1. Dietz teaches:

receiving voice data at the mobile phone;

playing the voice data being received to a user at the mobile phone;

buffering received voice data in a memory when the user's ear moves away from the mobile phone;

receiving an input (move back to the mobile phone) from the user to replay at least a portion of the buffered voice data in memory; and
replaying the voice data buffered in memory (para. 0006, 0016 and 0017).

2.2 Regarding claim 6, Dietz teaches playing the buffer voice data until catching up with the real-time voice data, and resuming playing the real-time voice data (para 0017).

2.3 Regarding claim 15, Dietz teaches a mobile phone in a wireless network, such as GSM (para. 0012), which is a packet switched network.

2.4 Regarding claim 16, Dietz teaches a mobile phone in a wireless network using RF (radio frequency) signals (para. 0012).

2.5 Regarding claim 18, it is inherent that a phone conversation may comprise a portion only spoken by a remote party.

3. Claims 1 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Tokunaga 2002/0080925.

3.1 Regarding claim 1, Tokunaga discloses a mobile phone in figure 2. Tokunaga teaches:

receiving voice data at the mobile phone;
playing the voice data being received to a user at the mobile phone;
buffering the voice data in a memory area 11;
receiving an input (switch 71) from a user to switch memory area from 11 to 12;
receiving an input (switch 72) from the user to replay at least a portion of the
buffered voice data in memory 11; and
replaying the voice data buffered in memory 11 (para. 0026 and 0027).

3.2 Regarding claim 11, Tkunaga teaches continuing buffering voice data received while receiving an input (switch 71) for switching to memory area 12 (para. 0027).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knuth et al. US 5,781,613 in view of Yaker US 6,137,864.

Knuth teaches a telephone answering device, but fails to teach deleting a recorded message after a re-determined time period.

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However, Yaker discloses a method for deleting a voice message. A user (message recipient) may specify a retention period for a voice message and at the end of the period, the voice message is automatically deleted (column 3, lines 39-47).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Knuth's reference with the teaching of Yakerf so that the local user would have been able to delete a voice message after a specify retention period, because such a modification would have enable a user to automatically deleing old messages to make room for new messages.

5. Claims 17, 19, 22, 26, 37 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tokunaga 2002/0080925 in view of Chaturvedi et al US 7,043,266.

5.1 Regarding claim 17, Tokunaga teaches a mobile phone, but fails to teach using the mobile phone in network based instant connect call.

However, Chaturvedi discloses network based instant connect call in figure 1. Chaturvedi teaches a normal mode and a push to talk (PTT) mode (instant connect mode) for mobile stations 12 and 14 (column 5, lines 24-27; column 6, lines 28-64; column 8, lines 4-12).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Tokunaga's reference with the teaching of Chaturvedi so that the mobile phone of would have comprised a PPT mode, because

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such a modification would have enable a user to communicate in different communication modes.

5.2 Regarding claim 19, Tokunaga discloses a mobile phone in figure 2. Tokunaga teaches:

- receiving voice data at the mobile phone;
 - playing the voice data being received to a user at the mobile phone;
 - buffering the voice data in a memory area 11;
 - receiving an input (switch 71) from a user to switch memory area from 11 to 12;
 - receiving an input (switch 72) form the user to replay at least a portion of the buffered voice data in memory 11;
 - preventing voice data being received from being played while continuing to buffer the received voice data in the memory 12; and
 - replaying the voice data buffered in memory 11 (para. 0026 and 0027).
- Tokunaga teaches a mobile phone, but fails to teach using the mobile phone in network based instant connect call.

However, Chaturvedi discloses network based instant connect call in figure 1. Chaturvedi teaches a normal mode and a push to talk (PTT) mode (instant connect mode) for mobile stations 12 and 14 (column 5, lines 24-27; column 6, lines 28-64; column 8, lines 4-12).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Tokunaga's reference with the teaching of

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Chaturvedi so that the mobile phone of would have comprised a PPT mode, because such a modification would have enable a user to communicate in different communication modes.

5.3 Regarding claim 22, Tokunaga teaches multiple memory segments in figure 4, and playing back buffered voice data at a second memory segment by pressing buttone 72 on more time (para. 0033).

5.4 Regarding claim 26, Tokunaga teaches buffering voice data in different memory segment and it is obvious that voice data may be stored permanently in one of the memory segment.

5.5 Regarding claim 37, Tokunaga discloses a mobile phone in figure 2, comprising:
a buffer (memory 11) for temporary buffering received voice data;
a playback module (speaker 2) for playing the voice data being received to a user at the mobile phone;
a memory switching button 71 for switch buffering to memory 12;
a replay button 72 for preventing voice data being received from being played while continuing to buffer the received voice data in the memory 12; and
replaying the voice data buffered in memory 11 (para. 0026 and 0027).

Tokunaga teaches a mobile phone, but fails to teach using the mobile phone in network based instant connect call.

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However, Chaturvedi discloses network based instant connect call in figure 1. Chaturvedi teaches a normal mode and a push to talk (PTT) mode (instant connect mode) for mobile stations 12 and 14 (column 5, lines 24-27; column 6, lines 28-64; column 8, lines 4-12).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Tokunaga's reference with the teaching of Chaturvedi so that the mobile phone of would have comprised a PPT mode, because such a modification would have enable a user to communicate in different communication modes.

5.6 Regarding claim 38, it is obvious that the user may buffer different sender's voice data indifferent memory area by pushing switch 71.

6. Claims 19-21, 23, 24, 27-30, 37 and 46-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dietz et al. US 2002/0176546 in view of Chaturvedi et al US 7,043,266.

6.1 Regarding claim 19, Dietz discloses a mobile phone 100 in figure 1. Dietz teaches:

receiving voice data at the mobile phone;

playing the voice data being received to a user at the mobile phone;

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buffering received voice data in a memory when the user's ear moves away (decoupling) from the mobile phone while continue to play the received voice data to the user;

receiving an input (re-coupling, e.g. move back to the mobile phone) from the user to replay at least a portion of the buffered voice data in memory;

preventing voice data being received from being played while continue buffering voice data received; and

replaying the voice data buffered in memory (para. 0006, 0016 and 0017).

Dietz teaches a mobile phone in a wireless network (para. 0012), but fails to teach using the mobile phone in network based instant connect call.

However, Chaturvedi discloses a network based instant connect call in figure 1. Chaturvedi teaches a normal mode and a push to talk (PTT) mode (instant connect mode) for mobile stations 12 and 14 (column 5, lines 24-27; column 6, lines 28-64; column 8, lines 4-12).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Dietz's reference with the teaching of Chaturvedi so that the mobile phone of would have comprised a PPT mode, because such a modification would have enable a user to communicate in different communication modes.

6.2 Regarding claim 20, Dietz teaches playing the most buffered (recorded) voice data from a remote party (sender) (para.0017).

6.3 Regarding claim 21, Dietz teaches the voice data are buffered prior re-coupling (para 0017).

6.4 Regarding claim 23, Dietz teaches stopping the buffered voice data and resuming playing the receiving voice data when a play pointer catches-up a record pointer (para. 0017).

6.5 Regarding claim 24, Dietz teaches buffering voice data from a sender while playing back buffered voice data to the user (para. 0017).

6.6 Regarding claim 27, Dietz teaches playing back the buffered voice data at a higher rate (para. 0017).

6.7 Regarding claim 28, since voice data are buffered while the user's ear moves away from the mobile phone during a telephone conversation with a remote party (sender), it is inherent that silent between senders (e.g. between phone calls) is not buffered.

6.8 Regarding claim 29 and 30, since the modified Dietz reference operates in a packet-switched network (see figure 1 of Chaturvedi), and it is inherent that missing packets are being resent to a receiving device, e.g. mobile station, or mobile phone.

6.9 Regarding claim 37, Dietz discloses a mobile phone 100 in figure 1. Dietz teaches:

a buffer 130 for buffering received voice data at the mobile phone when the user's ear moves away (de-coupling) from the mobile phone;

a playback module (speaker 120) for playing the voice data being received to a user at the mobile phone;

a switch (coupling device 141) (when re-coupling, e.g. move back to the mobile phone) for preventing voice data being received from being played while continue buffering the received voice data; and

replaying the voice data buffered in memory (para. 0006, 0016 and 0017).

Dietz teaches a mobile phone in a wireless network (para. 0012), but fails to teach using the mobile phone in network based instant connect call.

However, Chaturvedi discloses a network based instant connect call in figure 1. Chaturvedi teaches a normal mode and a push to talk (PTT) mode (instant connect mode) for mobile stations 12 and 14 (column 5, lines 24-27; column 6, lines 28-64; column 8, lines 4-12).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Dietz's reference with the teaching of Chaturvedi so that the mobile phone of would have comprised a PPT mode, because such a modification would have enable a user to communicate in different communication modes.

6.10 Regarding claim 46, Dietz discloses a mobile phone 100 in figure 1. Dietz teaches:

receiving voice data at the mobile phone;

playing (generating a signal for notifying a user) the voice data being received to a user at the mobile phone;

buffering received voice data in a memory when the user's ear moves away (not participating) from the mobile phone while continue to play the received voice data to the user;

receiving an input (re-coupling, e.g. move back to the mobile phone) from the user to replay at least a portion of the buffered voice data in memory;

preventing voice data being received from being played while continue buffering voice data received; and

replaying the voice data buffered in memory (para. 0006, 0016 and 0017).

Dietz teaches a mobile phone in a wireless network (para. 0012), but fails to teach using the mobile phone in network based instant connect call.

However, Chaturvedi discloses a network based instant connect call in figure 1. Chaturvedi teaches a normal mode and a push to talk (PTT) mode (instant connect mode) for mobile stations 12 and 14 (column 5, lines 24-27; column 6, lines 28-64; column 8, lines 4-12).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Dietz's reference with the teaching of

Chaturvedi so that the mobile phone of would have comprised a PPT mode, because such a modification would have enable a user to communicate in different communication modes.

6.11 Regarding claim 47, as discussed above, Dietz teaches storing the voice data without pressing a button.

6.12 Regarding claim 48, as discussed above, Dietz teaches replaying buffered voice data when the user moves back to the mobile phone.

7. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dietz et al. US 2002/0176546 in view of Chaturvedi et al US 7,043,266 and further in view of Whitfield US 5,995,824.

The modified Dietz reference teaches recording a telephone conversation, but fails to teach delete the recording.

However, Whitfield discloses a cellular phone with recording capability in figure 2. Whitfield teaches recording voice data and a user has option to delete recorded voice data (column 3, lines 15-29, 40-48).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the Dietz's reference with the teaching of Whitfield so that the user of the mobile phone would have had option to deleted buffered

voice data, because such a modification would have enable a user to empty the memory for next recording, or to discard any unwanted recordings.

8. Claims 31-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tokunaga 2002/0080925 in view of Harris et al. US 6,665,283.

8.1 Regarding claim 31, Tokunaga discloses a mobile phone in figure 2. Tokunaga teaches:

- receiving voice data at the mobile phone;
- playing the voice data to a user at the mobile phone;
- buffering received voice data in a memory area 11;
- receiving an input (switch 71) from a user to switch memory area from 11 to 12;
- receiving an input (switch 72) form the user to replay at least a portion of the buffered voice data in memory 11;
- preventing voice data being received from being played while continuing to buffer the received voice data in the memory 12; and
- replaying the voice data buffered in memory 11 (para. 0026 and 0027).

Tokunaga teaches a mobile phone, but fails to teach using the mobile phone in network based instant connect call and replacing dropped data packets.

However, Harris discloses packet-switched network for instant connect call in figure 1. Harris teaches a push to talk (PTT) communication mode (instant connect

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mode) for mobile stations 102 and 104 (column 2, lines 27-39; column 13, lines 12-30), and retransmitting dropped packets which are then properly inserted in buffered data (column 1, line 48 to column 2, line 11).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Tokunaga's reference with the teaching of Harris so that the mobile phone of would have comprised a PPT mode and dropped data packets would have been retransmitted and properly inserted in the buffer, because such a modification would have enable a user to communicate in different communication modes and properly buffering received voice data.

8.2 Regarding claims 32-34, as discussed above, Harries teaches requesting dropped packets inserting in a proper position (column 1, line 48 to column 2, line 11).

9. Claims 31, 35 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dietz et al. US 2002/0176546 in view of Harris et al. US 6,665,283.

9.1 Regarding claim 31, Dietz discloses a mobile phone 100 in figure 1. Dietz teaches:

receiving voice data at the mobile phone;

playing the voice data to a user at the mobile phone;

buffering received voice data in a memory when the user's ear moves away (decoupling) from the mobile phone while continue to play the received voice data to the user;

receiving an input (re-coupling, e.g. move back to the mobile phone) from the user to replay at least a portion of the buffered voice data in memory;

preventing voice data being received from being played while continue buffering voice data received; and

replaying the voice data buffered in memory (para. 0006, 0016 and 0017).

Dietz teaches a mobile phone in a wireless network (para. 0012), but fails to teach using the mobile phone in network based instant connect call.

Dietz teaches a mobile phone, but fails to teach using the mobile phone in network based instant connect call and replacing dropped data packets.

However, Harris discloses packet-switched network for instant connect call in figure 1. Harris teaches a push to talk (PTT) communication mode (instant connect mode) for mobile stations 102 and 104 (column 2, lines 27-39; column 13, lines 12-30), and retransmitting dropped packets which are then properly inserted in buffered data (column 1, line 48 to column 2, line 11).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Dietz's reference with the teaching of Harris so that the mobile phone of would have comprised a PPT mode and dropped data packets would have been retransmitted and properly inserted in the buffer, because

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such a modification would have enable a user to communicate in different communication modes and properly buffering received voice data.

9.2 Regarding claims 35 and 36, Dietz teaches replaying the buffered voice data at a higher (faster) rate to catch-up with the receiving voice data (para. 0017).

10. Claims 39 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dietz et al. US 2002/0176546 in view of Chaturvedi et al US 7,043,266 and further in view of Harris US 6,665,283.

10.1 Regarding claim 39, the modified Dietz reference teaches replaying buffered voice data while continuing to buffer voice data being received in a instant connect call, but fail to teach request retransmitting missing or dropped voice data packets.

However, Harris discloses packet-switched network for instant connect call in figure 1. Harris teaches a push to talk (PTT) communication mode (instant connect mode) for mobile stations 102 and 104 (column 2, lines 27-39; column 13, lines 12-30), and retransmitting dropped packets which are then properly inserted in buffered data (column 1, line 48 to column 2, line 11).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the Dietz's reference with the teaching of Harris so that missing or dropped data packets would have been retransmitted and

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properly inserted in the buffer, because such a modification would have properly buffered received voice data.

10.2 Regarding claim 40, as discussed above, Dietz teaches continuing buffering received voice data while buffered voice data are being replayed (para. 0017)

11. Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dietz et al. US 2002/0176546 in view of Chaturvedi et al US 7,043,266 and further in view of Harris US 6,665,283 and further in view of Hayashi US 6,192,259.

The modified Dietz reference, teaches retransmitting buffering voice data, but fails to teach deleting the buffered voice data at a predetermined time.

However, Hayashi teaches automatically deleting data stored in a temporary memory after a predetermined period of time (column 6, lines 15-23).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the Dietz's reference with the teaching of Hayashi so that buffered voice data would have been automatically deleted after a predetermined period of time, because such a modification would have ensured that older data were deleted to make room for storing newer voice data.

12. Claims 42, 43 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harris US 6,665,283 in view of Subbiah et al. US 6,826,154.

12.1 Regarding claim 42, Harris discloses packet-switched network 124 for instant connect call in figure 1. Harris teaches a push to talk (PTT) communication mode (instant connect mode) for mobile stations 102 and 104 (column 2, lines 27-39; column 13, lines 12-30), and retransmitting dropped packets which are then properly inserted in buffered data (column 1, line 48 to column 2, line 11).

Harris teaches retransmitted the dropped packets from an originating (sender) device, but fail to teach using a network server to buffer the voice data packet and retransmitting when request.

However, Subbiah discloses a packet switched network in figure 1. Subbiah teaches a router 140 temporarily buffering data packets received from one network node (server 142) and transmits to another network node (mobile device 100) (column 5, lines 45-54).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Harris' reference with the teaching of Subbiah so that a data router (server) in the network 124 would have buffered the voice data transmitted from a sender and retransmitted when requested, because a sender device had less memory space for buffering a large voice data file and such a modification would have shifted the burden of buffering from the sender device to a higher capacity network device.

12.2 Regarding claim 43, the router is a network server.

12.3 Regarding claim 45, as discussed above, the Harris system is an instant connect system.

13. Claim 44 is rejected under 35 U.S.C. 103(a) as being unpatentable over Harris US 6,665,283 in view of Subbiah et al. US 6,826,154 and further in view Whitfield US 5,995,824.

The modified Harris reference, teaches retransmitting dropped voice data packets to a mobile device, but fails to teach buffering the voice data in a local buffer for replay.

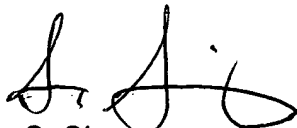
However, Whitfield teaches a mobile station 200 with a local buffer 200 for storing and replaying voice data received (column 3, lines 16-39).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the Harris' reference with the teaching of Whitfield so that a mobile phone (station) would have comprised recording and playback means, because such a modification would have enabled a user to record voice data received for later playback.

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Conclusion

14. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Simon Sing whose telephone number is 571-272-7545. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached at 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.



S. Sing

05/19/2006



FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600